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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/211,155	12/14/1998	MICHAEL EPSTEIN	PHA-23-548	7465

7590 03/26/2002

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EXAMINER

BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/211,155

Applicant(s)

EPSTEIN, MICHAEL

Examiner

Gilberto Barrón Jr.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. The Amendment, and Remarks therein, filed January 23, 2002 has been carefully considered, but are not persuasive in overcoming the rejections based on Chaum and Tomko presented in the previous Office Action mailed September 25, 2001. The grounds of rejection, followed by a response to Applicant's arguments appear below.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1, 3-11 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over TOMKO (US 5,712,912) in view of CHAUM (US 4,529,870).

The TOMKO patent discloses a method and apparatus for securely storing a personal identification number (PIN) or cryptographic key. Column 1, line 64 thru column 2, line 11 describes that a biometric measurement is processed to provide information that is used to encrypt a PIN or a key. The key may be a symmetric or asymmetric type, see col. 1, lines 66-67. The limitations of the independent claims relating to an encrypted security key are disclosed in TOMKO as the recited security key reads on the PIN or key described in TOMKO.

The common elements of independent claims 1, 9 and 18 are met as follows: The biometric sensor, see Fig. 4, # 80, for providing a first biometric key of a current user. A storage element for storing an encryption of a security key reads on the encrypted PIN or key as noted above. A biometric decrypter, see Fig. 4, #270 and

subsequent elements, to produce the decrypted PIN or key. All elements of dependent claims 4-8 are met within the portions of TOMKO noted above.

The security system of claims 9 and 10 are met as TOMKO, Fig. 4, # 40 discloses the recited access device for verifying the access status based on the decrypted security key.

The TOMKO patent does not address the challenge/response elements of now amended independent claims 1, 9 and 18. The CHAUM patent teaches a security token that after generating a security key, the security key may be used in a challenge/response protocol to authenticate a current user, see col. 12, line 63 thru col. 13, line 8. The security key of CHAUM is taught as being stored in encrypted form; see col. 13, lines 52-63. The encryption is based on the owner ID, see col. 13, line 68 thru col. 14, lines 8.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the access system disclosed TOMKO to include a challenge/response authentication protocol as taught in CHAUM in order to avoid replay attacks, see col. 13, lines 1-8.

The CHAUM patent also teaches a tamper-resistant security token as per claims 16 and 17, see col. 2, line 66. It would have been obvious to one of ordinary skill in the art at the time the invention was made to fabricate the security token in TOMKO to produce a tamper-resistant token as taught in CHAUM to in order to prevent mechanical manipulation to breach the security token.

Response to Arguments

4. Applicant's arguments filed January 23, 2002 have been fully considered but they are not persuasive. The TOMKO reference discloses the security key aspects at column 2, line 1; or column 2, lines 66-67.

The motivation to combine is taught in Chaum at column 12, lines 65-68 – to ensure a unique identification process.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gilberto Barrón Jr. whose telephone number is (703) 305-1830. The examiner can normally be reached on Mondays thru Thursdays from 8:00 AM to 5:00 PM. The examiner can also be reached on alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors, Mr. Albert Decady, can be reached on (703) 305-9595, or Ms. Gail Hayes, can be reached on (703) 305-9711.

The fax phone number for OFFICIAL responses for the organization where this application or proceeding is assigned is (703) 746-7239.

The fax phone number for AFTER FINAL responses for the organization where this application or proceeding is assigned is (703) 746-7238.

The fax phone number for DRAFT proposals for the organization where this application or proceeding is assigned is (703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100